

Congress of the United States
Washington, DC 20515

July 27, 2010

Lisa Jackson, Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: Regulation of Coal Combustion Products

Dear Administrator Jackson,

This letter is presented in response to the Environmental Protection Agency's (EPA's) Proposed Rule regarding the first ever regulation of Coal Combustion Residuals (CCRs) under the Resource Conservation and Recovery Act (RCRA). Although EPA states that they are not reconsidering the "Beneficial Use" treatment of CCRs under this proposal, we feel that regulating CCRs under Subtitle D of RCRA is a far superior approach to insure the continued beneficial uses of this material. This designation would leave the Bevill determination in place and issue national minimum criteria. EPA would also establish additional safety requirements to address the structural integrity of surface storage of CCRs to prevent releases.

One such use expressly stated for the product is as an ingredient in concrete where the incorporation of CCRs has proven over decades of use to increase strength, improve longevity, enhance durability and provide improved cost effectiveness. Like its utilization in concrete, the use of CCRs in carpeting has proven to be a viable, safe, and environmentally preferable alternative to disposal.

Over the past 20 years detailed study by EPA concluded that the regulation of CCRs under Subtitle C is not warranted. Further, EPA's C2P2 initiative encourages the beneficial utilization of CCRs whenever possible. In just such an endeavor and with the full support of EPA, the nation's carpet and rug industry has been committed to incorporate CCRs into its product mix, and significant strides have been made to accomplish this objective. As a result, CCRs destined for a land fill have been recovered and processed to provide the carpet manufacturer with a functional ingredient (replacing a mined and processed material) that provides positive properties to the finished carpet product.

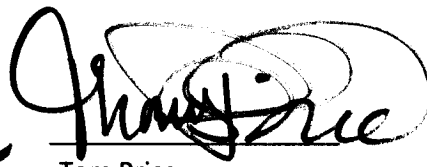
It is our concern that any treatment of Subtitle C to CCRs will affect efforts to beneficially utilize this abundant material as well as the position utilities may potentially take concerning distribution and/or sales of the material. Should EPA ignore the science of the issue and conclude; however, that Subtitle C is appropriate, beneficial uses—including those listed above—must be clearly spelled out and made exempt from the hazardous designation.

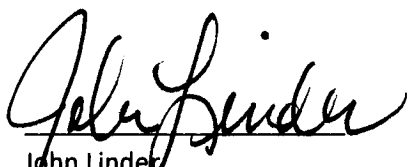
In conclusion, we encourage EPA to follow the option proposed that would regulate CCRs under Subtitle D of RCRA to insure the continued beneficial use of that material in the carpet and other industries. Thank you for your consideration of these concerns. we will be available should you desire additional information or input.

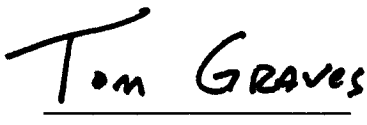
Sincerely,



Jack Kingston
Member of Congress

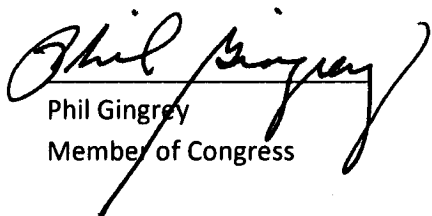

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